

Article - Environment

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§6–819.

(a) The modified risk reduction standard shall consist of performing the following:

(1) Passing the test for lead–contaminated dust under § 6–816 of this subtitle; and

(2) Performing the following lead hazard reduction treatments:

(i) A visual review of all exterior and interior painted surfaces;

(ii) The removal and repainting of chipping, peeling, or flaking paint on exterior and interior painted surfaces;

(iii) The repair of any structural defect that is causing the paint to chip, peel, or flake, that the owner of the affected property has knowledge of or, with the exercise of reasonable care, should have knowledge of;

(iv) Repainting, replacing, or encapsulating all interior lead–based paint or untested painted windowsills with vinyl, metal, or any other material in a manner and under conditions approved by the Department;

(v) Ensuring that caps of vinyl, aluminum, or any other material in a manner and under conditions approved by the Department, are installed in all window wells where lead–based paint or untested paint exists in order to make the window wells smooth and cleanable;

(vi) Except for a treated or replacement window that is free of lead–based paint on its friction surfaces, fixing the top sash, subject to federal, State, or local fire code standards, of all windows in place in order to eliminate the friction caused by the movement of the top sash;

(vii) Rehanging all doors in order to prevent the rubbing together of a lead–painted surface with another surface;

(viii) Ensuring that all kitchen and bathroom floors are overlaid with a smooth, water–resistant covering; and

(ix) HEPA–vacuuming and washing with high phosphate detergent or its equivalent, as determined by the Department, any area of the affected property where repairs were made.

(b) (1) A tenant of an affected property may notify the owner of the affected property of a defect in the affected property under this section in accordance with this subsection.

(2) Notice of a defect under this section shall consist of:

(i) If the modified risk reduction standard has not been satisfied for the affected property, the presence of chipping, peeling, or flaking paint on the interior or exterior surfaces of the affected property or of a structural defect causing chipping, peeling, or flaking paint in the affected property; or

(ii) If the modified risk reduction standard has been satisfied for the affected property, a defect relating to the modified risk reduction standard.

(c) (1) After February 23, 1996, an owner of an affected property shall satisfy the modified risk reduction standard:

(i) Within 30 days after receipt of written notice that a person at risk who resides in the property:

1. Has an elevated blood lead level documented by a test for EBL greater than or equal to 15 µg/dl before February 24, 2006 or greater than or equal to 10 µg/dl between February 24, 2006 and June 30, 2020; or

2. Has an elevated blood lead level documented by a test for elevated blood lead level greater than or equal to the reference level defined in § 6–801(q) of this title on or after July 1, 2020, and an environmental investigation conducted under § 6–305 of this title has concluded that there is a defect at the affected property; or

(ii) Within 30 days after receipt of written notice from the tenant, or from any other source, of:

1. A defect; and

2. The existence of a person at risk in the affected property.

(2) (i) An owner who receives multiple notices of an elevated blood lead level under this subsection or multiple notices of defect under subsection

(d) of this section may satisfy all such notices by subsequent compliance with the risk reduction measures specified in subsection (a) of this section, as documented by satisfaction of subsection (f) or (g) of this section, if the owner complies with the risk reduction measures specified in subsection (a) of this section after the date of the test documenting the elevated blood lead level or after the date the notices of defect were issued.

(ii) Subparagraph (i) of this paragraph does not affect an owner's obligation to perform the risk reduction measures specified in subsection (a) of this section for a triggering event that occurs after the owner satisfies the provisions of subparagraph (i) of this paragraph.

(d) After May 23, 1997, an owner of an affected property shall satisfy the modified risk reduction standard within 30 days after receipt of written notice from the tenant, or from any other source, of a defect.

(e) An owner of an affected property is in compliance with subsection (c) or (d) of this section if, as applicable:

(1) The owner satisfies the modified risk reduction within 30 days after receiving a notice of elevated blood lead level or a notice of defect in accordance with this section; or

(2) The owner provides for the temporary relocation of tenants to a lead-free dwelling unit or another dwelling unit that has satisfied the risk reduction standard in accordance with § 6-815 of this subtitle within 30 days after the receipt of a notice of elevated blood lead level or a notice of defect.

(f) Except as provided in § 6-817(b) of this subtitle and except for properties constructed between January 1, 1950, and December 31, 1977, both inclusive, on and after February 24, 2006, an owner of affected properties shall ensure that 100% of the owner's affected properties in which a person at risk does not reside have satisfied the modified risk reduction standard.

(g) An owner of an affected property shall verify satisfaction of the modified risk reduction standard by submitting a report from an accredited inspector to the Department.

(h) Notice given under this section shall be written, and shall be sent by:

(1) Certified mail, return receipt requested; or

(2) A verifiable method approved by the Department.

(i) The Department may, by regulation, eliminate any treatment from the modified risk reduction standard if the Department finds that performing the treatment in an occupied property is harmful to public health.

(j) (1) Exterior work required to satisfy the modified risk reduction standard may be delayed, pursuant to a waiver approved by the appropriate person under paragraph (2) of this subsection, during any time period in which exterior work is not required to be performed under an applicable local housing code or, if no such time period is specified, during the period from November 1 through April 1, inclusive.

(2) A waiver under paragraph (1) of this subsection may be approved by the code official for enforcement of the housing code or minimum livability code of the local jurisdiction, or, if there is no such official, the Department of Housing and Community Development.

(3) Notwithstanding the terms of the waiver, all work delayed in accordance with paragraph (1) of this subsection shall be completed within 30 days after the end of the applicable time period.

(4) Any delay allowed under paragraph (1) of this subsection may not affect the obligation of the owner to complete all other components of the risk reduction standard and to have those components inspected and verified.

(k) The report of the inspector verifying compliance with this subtitle shall create a rebuttable presumption, that may be overcome by clear and convincing evidence, that the owner is in compliance with the modified risk reduction standard for the affected property unless there is:

(1) Proof of actual fraud as to that affected property; or

(2) Proof that the work performed on the affected property was not performed by or under the supervision of personnel accredited under § 6–1002 of this title.

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